

REMARKS

Claims 1-19 are pending. Claims 20-31 have been cancelled without prejudice or disclaimer as being directed to non-elected subject matter. Applicant expressly reserves the right to file a divisional application containing one or more of the now-cancelled claims.

I. 35 USC § 102

Claims 1-7 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Johnson (U.S. Patent No. 501,515). The Office Action apparently asserts Johnson expressly teaches each feature recited by the rejected claims.

A. Independent Claim 1

Applicant appreciates the annotated figure provided on page 4 of the Office Action, but believes the teachings of Johnson, as well as the annotated figure are missing features recited by the rejected claims. For example, while the annotated figure identifies a conveyor and means for gathering articles, such a conveyor and gathering means does not have “a flight extending from a front end disposed adjacent ground level, upwardly and rearwardly to an elevated rear end.” In contrast, the sweeper of Johnson has a conveyor which extends downwardly toward the rear of the device.

The claims have been amended to more clearly recite this feature. Specifically, the claims now state, “wherein a lower-most portion of said endless conveyor is positioned proximal said advancing means and an upper-most portion of said endless conveyor is positioned distal said advancing means.” As this feature is shown in Figs. 1 and 2 of the present specification, and was included in the claims, no new matter has been entered, and this amendment does not raise any new issues not presented in the previously filed claims.

B. Dependent Claim 5

Claim 5 depends from claim 1 and recites, “wherein said moldboard is provided with a set of ground engageable wheels.” While the Office Action asserts dust-pan Q of Johnson is a moldboard as presently claimed, Johnson does not disclose (and neither does the Office Action

allege) any wheels on the dust-pan Q. There is no teaching nor suggestion to modify the structure of Johnson to provide ground engageable wheels on the dust-pan.

C. Dependent Claim 6

Claim 6 depends from claim 1 and recites, “wherein said moldboard is provided with a ground engageable end disposed on one side of its pivot axis and a counterweight end disposed on an opposite side of said pivot axis.” While it appears that dust-pan Q of Johnson has a ground engageable end, and an opposite end, there is no disclosure that such an opposite end is “a counterweight end” as recited. The Office Action identifies the structures labeled “q” as being such counterweights, but the specification only describes elements q as being trunnions to fit in bearings q’. There is no teaching nor suggestion to modify the structure of Johnson to include a counterweight on the dust-pan.

II. 35 USC § 103

Claims 8 and 9 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Johnson in view of EP 319420. The Office Action asserts Johnson teaches each feature of the rejected claims, except for the material of construction for the endless conveyor, for which purpose EP ‘420 is cited. However, as EP ‘420 fails to, *inter alia*, provide the necessary motivation to modify the structure of Johnson, reconsideration is respectfully requested.

III. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested. If any additional fee is necessary to make this paper timely and/or complete, it may be charged to the undersigned's deposit account number 19-4375.

Respectfully submitted,

[Signature] Reg. No. 45,244

202

Peter N. Lalos
Registration No. 19,789
STEVENS, DAVIS, MILLER & MOSHER, LLP
1615 L Street, N.W., Suite 850
Washington, D.C. 20036-5622

SEPT. 16, 2005
PNL/EPR
202/785-0100